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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
07/752,427	08/30/91	GROTENDORST G	PD-1294

EXAMINER
SPECTOR, L

SPENSLEY HORN JUBAS AND LUBITZ
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ART UNIT	PAPER NUMBER
1812	3

DATE MAILED: 02/10/92

☒ This application has been examined ☐ Responsive to communication filed on _____ ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 0 month(s), 30 days from the date of this letter. Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1. ☐ Notice of References Cited by Examiner, PTO-892.
2. ☐ Notice re Patent Drawing, PTO-948.
3. ☐ Notice of Art Cited by Applicant, PTO-1449.
4. ☐ Notice of Informal Patent Application, Form PTO-152
5. ☐ Information on How to Effect Drawing Changes, PTO-1474.
6. ☐ _____

Part II SUMMARY OF ACTION

1. ☒ Claims 1-28 are pending in the application.

   Of the above, claims _____ are withdrawn from consideration.

2. ☐ Claims _____ have been cancelled.

3. ☐ Claims _____ are allowed.

4. ☐ Claims _____ are rejected.

5. ☐ Claims _____ are objected to.

6. ☒ Claims 1-28 are subject to restriction or election requirement.

7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.

8. ☐ Formal drawings are required in response to this Office action.

9. ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice re Patent Drawing, PTO-948).

10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____. has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).

11. ☐ The proposed drawing correction, filed _____, has been ☐ approved; ☐ disapproved (see explanation).

12. ☐ Acknowledgement is made of the claim for priority under U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. _____ ; filed on _____.

13. ☐ Since this application apppears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

14. ☐ Other

EXAMINER'S ACTION

Restriction to one of the following inventions is required under 35 U.S.C. § 121:

I. Claims 1-4 and 14-16, drawn to connective tissue growth factor (CTGF) fragments thereof and CTGF antibodies, classified in Class 530, subclass 399 and Class 424, subclass 85.8.

II. Claims 5-13, drawn to nucleotides, vectors and transformed or transfected cells, classified in Class 536, subclass 27, as well as Class 435, subclasses 320.1, 240.2 and 252.3.

III. Claims 17-19, drawn to a method of accelerating wound healing, classified in Class 514, subclass 12.

IV. Claims 20 and 21, drawn to a diagnostic assay, classified in Class 435, subclass 7.1.

V. Claims 22-28, drawn to a treatment method using a CTGF reactive agent, classification varies dependent upon the species.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as independent products, having different functions. Their independence is demonstrated by the fact that the products of Invention II may be used as nucleic acid hybridization probes rather than as templates for transcription and translation to generate the products of Invention I.

Inventions I and III are related as product and process of

use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (M.P.E.P. § 806.05(h)). In the instant case, the product as claimed may be used as an antigen for the production of antibodies instead of as a therapeutic composition in a method of treatment.

Inventions I and V are also related as product and process of use. In the instant case, the product as claimed is useful as a diagnostic reagent instead of as a therapeutic composition in a method of treatment.

The remaining pairwise permutations of the above groups are unrelated, wherein each is not required, one for another.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter and/or different classification, restriction for examination purposes as indicated is proper.

A telephone call was made to John Wetherell, Ph.D. on 2/5/92 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is reminded that upon the cancellation of claims

to a non-elected invention, the inventorship must be amended in compliance with 37 C.F.R. § 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a diligently-filed petition under 37 C.F.R. § 1.48(b) and by the fee required under 37 C.F.R. § 1.17(h).

The Group and/or Art Unit location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Group Art Unit 1812.

Any inquiry concerning this communication should be directed to Lorraine Spector, Ph.D. at telephone number (703) 308-4761.

DAVID L. LACEY
SUPERVISOR PRIMARY EXAMINER
ART UNIT ~~189A~~ 1812
2/7/92

LMS
752427
2/6/92